In re Application of: J. MOGAARD-CHRISTENSEN   Art Unit: 1733
Serial No.: 09/879,815   Confirmation No.: 4286
Filed: June 13, 2001   Examiner: S. YAO
For: METHOD AND SYSTEM FOR...   Washington, D.C.
                                                    Atty.'s Docket: CHRISTENSEN-1A
                                                    Date: February 22, 2002

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
Sir:

Transmitted herewith is an [ ] Amendment [XX] <u>Response to Restriction Requirement</u>
_____in the above-identified application.

[ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement
     previously submitted.
[ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
[XX] No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)		Small Entity			Other Than a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Additional Fee		Rate	Additional Fee
Total		Minus		=		x 9	$		x18	$
Indep.		Minus		=		x42	$		x84	$
First Presentation of Multiple Dependent Claim						140	$		+280	$
T O T A L A D D I T I O N A L C L A I M S F E E							$		Total	$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.
   The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in
   Col.1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time
      If any extension of time for a response is required applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by
     37 CFR 1.17 is calculated as shown below:
     Small Entity   Other Than Small Entity
     Response Filed Within   Response Filed Within
     [ ] First   - $ 55.00   [ ] First   - $ 110.00
     [ ] Second   - $200.00   [ ] Second   - $ 400.00
     [ ] Third   - $460.00   [ ] Third   - $ 920.00
     [ ] Fourth   - $720.00   [ ] Fourth   - $1440.00

     [ ] Less fees ($) already paid for   months extension of time on   .

[ ] Please charge my Deposit Account No. 02-4035 in the amount of $_____. A duplicate copy of this sheet
     is attached.
[ ] A check in the amount of $_____ is attached (check no.   ).
[ ] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of $ is attached.
[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection
with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not
limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check
or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section
1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket
authorization does <u>not</u> include patent issue fees under 37 CFR Section 1.18.

                                              BROWDY AND NEIMARK
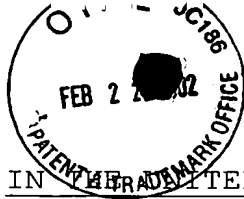   Attorneys for Applicant(s)

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ATTY.'S DOCKET: CHRISTENSEN=1A

In re Application of:	)	Art Unit: 1733
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J. MOGAARD-CHRISTENSEN	)	Confirmation No. 4286
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Serial No.: 09/879,815	)	Examiner: S. YAO
	)	
Filed: June 13, 2001	)	Washington D.C.
	)	
For: METHOD AND SYSTEM FOR	)	February 22, 2002
MANUFACTURING A DRY	)	
FORMED FIBROUS WEB ...	)	

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

The Office Action of February 1, 2002, in the

nature of a requirement for restriction, has been

carefully reviewed. Favorable consideration is

respectfully requested.

Restriction has been required between what the

Examiner considers to be three patentably distinct

inventions, namely,

Group I directed to a process for making a

dryformed absorbent web, presently comprising claims 1-9;

Group II, drawn to an apparatus for preparing a

dryformed absorbent web, presently comprising claims 10-

12; and

Group III, directed to a dryformed absorbent

web, presently comprising claims 13-22.

Applicants hereby provisionally elect, with traverse and without prejudice, claims 1-9, Group I, directed to a process for making a dryformed absorbent web.

This restriction requirement is traversed on the basis of MPEP Section 803, second paragraph, which **requires** that there be a substantial burden in examining plural groups, even if the restriction requirement is otherwise correct. In the present case, claims 13-22 are directed to the dryformed fibrous web made by the method of claims 1-9. It is respectfully submitted that different classification for the groups is largely immaterial, since it is assumed that the Examiner will search online rather than manually, and that a search which encompasses the medium would necessarily include methods of using the medium. Since there appears to be no serious burden, the restriction requirement should be withdrawn, and such is respectfully requested.

If the restriction requirement is maintained, it will be clear on the record that the PTO considers the two groups to be **patentably distinct** from one another *i.e., prima facie* **non-obvious** from one another. This means that a reference identical to the one group would not render one of the other groups *prima facie* obvious.

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Favorable consideration is respectfully

requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
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